

REMARKS

Claims 1-21 and 24-33 are presently pending in the case. Claim 21 has been amended. The amendments are supported by the specification and claims as originally filed.

Reconsideration of the present case in view of the above amendments and the remarks herein is requested.

Claim rejections under 35 USC 112, first paragraph

The Examiner rejected claims 1-20 and 24-33 under 35 USC §112, first paragraph as failing to comply with the written description requirement. The rejection is traversed.

The Examiner improperly objected to recitations in independent claim 1 as failing to be adequately described in the specification as originally filed. The Examiner posits that "by moving the cutting mechanism in a forward direction" and "a direction other than the forward direction" are not adequately described. However, these two recitations are supported by the specification as originally filed in several locations. For example, the Examiner's attention is directed to the discussion on page 12 lines 3-19. As described, a support member 102 is moved vertically downward (i.e. in a forward direction) until blades 104 pierce cover 116. The support member is then rotated (i.e. moved in a direction other than the forward direction). Thus, there is clear support for the movement in two directions as recited in claim 1. In addition, the directional term "forward" is explicitly support at least at page 3 line 7, where the forward direction is clearly shown to be the same as the downward direction referred to on page 12. Therefore, claim 1 is properly described under 35 U.S.C. §112, first paragraph, and Applicant requests withdrawal of the rejection.

Independent claims 12, 24 and 29 were also improperly rejected under 35 U.S.C. §112, first paragraph. Claims 12, 24 and 29 were objected to for language similar to the objected to language in claim 1. The language is properly supported for at least the same reasons given above. Accordingly, Applicant requests withdrawal of the rejections.

Claim rejections under 35 USC 102(b)

The Examiner rejected claim 21 under 35 USC §102(b) as being anticipated by U.S. Patent 5,816,404 to Seidler (hereinafter Seidler). The rejection is traversed.

Seidler does not anticipate independent claim 21. For a rejection under 35 USC §102 to be proper, the reference relied upon must disclose each and every element of the claimed invention. Non-disclosure of a single element, feature or limitation of the claim negates anticipation. Claim 21 is to a method for forming multiple openings in a receptacle comprising, inter alia, providing a cutting mechanism having (i) at least one outer blade, and (ii) a tubular body having a distal end with a plurality of inwardly and outwardly facing blades. Seidler does not disclose a cutting mechanism having both an outer blade and a tubular body with a plurality of blades. Thus, Seidler does not anticipate claim 21. In addition, Seidler does not disclose other features recited in claim 21. For example claim 21 is to a method of forming multiple openings in a receptacle. Seidler, on the other hand, does not disclose forming multiple openings. Therefore, Seidler does not anticipate claim 21 for this additional reason. The Examiner is respectfully requested to reconsider the language of claim 21 and withdraw the rejection thereof under 35 USC §102.


Conclusion

The claims are allowable for the reasons given above. Thus, the Examiner is respectfully requested to reconsider the present rejections and allow the presently pending claims. Should the Examiner have any questions, the Examiner is requested to call the undersigned at the number given below.

Respectfully submitted,

JANAH & ASSOCIATES

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